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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION

Case No. 3:21-md-02981-JD

This Document Relates To:

**SUPPLEMENTAL DECLARATION OF
DANE P. SHIKMAN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
APPLE'S MOTION TO QUASH TRIAL
SUBPOENA TO CARSON OLIVER**

Epic Games Inc. v. Google LLC et al., Case No. 3:20-cv-05671-JD

Judge: Hon. James Donato
Date: October 12, 2023 at 10:00am

In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD

State of Utah et al. v. Google LLC et al.,
Case No. 3:21-cv-05227-JD

Match Group, LLC et al. v. Google LLC
Case No. 3:22-cv-02746-ID

Match Group, LLC et al. v. Google LLC et al.,
Case No. 3:22-cv-02746-JD

1 **SUPPLEMENTAL DECLARATION OF DANE P. SHIKMAN**

2 I, Dane P. Shikman, hereby declare:

3 1. I am admitted to practice before all of the courts of the State of California and this
4 Court. I am an attorney at the law firm of Munger, Tolles & Olson LLP (“MTO”) and counsel of
5 record for Defendants (“Google”) in the above-captioned matter. I have personal knowledge of
6 the facts set forth in this declaration, and, if called as a witness, I could and would testify
7 competently to the matters set forth herein.

8 2. I write to supplement my prior declaration, MDL Dkt. 632-1, with further detail
9 regarding conversations between counsel for Google and counsel for Apple on the subject of
10 producing an Apple employee witness to testify at trial.

11 3. As noted in my prior declaration, counsel for Google contacted Apple’s outside
12 counsel on June 9, 2023, to arrange for a telephone call, which we then scheduled for June 12. On
13 that June 12 call, we communicated Google’s intention to call an Apple witness at trial, and asked
14 Apple’s counsel whether Apple would identify a witness who would appear voluntarily at trial to
15 testify about competition between the Apple App Store and the Google Play store. Apple’s
16 counsel responded that, while he believed his client would be hesitant to provide a witness
17 voluntarily, he would have to confer with his client before providing a final answer. He explained
18 that Google’s request might require further conversations between in-house counsel at Google and
19 Apple, and asked me to provide him with contact information for an in-house attorney at Google
20 that he could pass on to his client for further discussion. I provided that information the next day,
21 on June 13.

22 4. On July 6, Apple’s outside counsel informed me that Apple had still not determined
23 whether it would agree to identify a witness who would voluntarily appear at trial. He informed
24 me that he would update me with additional information when he had it.

25 5. We continued to discuss this subject with Apple’s outside counsel, including on
26 telephone calls on July 20 and August 10. During these calls, counsel for Google communicated
27 that Google’s questioning would be limited to competition between the Google Play store and the
28 Apple App Store. On August 10, Apple’s outside counsel communicated again that Apple was

1 reluctant to identify a witness who would appear voluntarily at trial. Apple's outside counsel
2 provided the names of two in-house counsel at Apple, and suggested that Google's in-house
3 counsel make contact in order to further the discussion.

4 6. I understand that on August 25 and September 1, Google's in-house counsel spoke
5 with Apple's in-house counsel about Google's request for Apple to identify a witness who would
6 appear voluntarily at trial.

7 7. I understand that on September 1, Google provided the names of four Apple
8 employees that Google was considering, at that time, as potential trial witnesses based on Apple's
9 document production. Google had not yet identified Carson Oliver, so Carson Oliver was not one
10 of those names.

11 8. I understand that on September 11, Google's in-house counsel spoke with in-house
12 counsel at Apple, who said definitively that Apple would not identify any witness who would
13 appear voluntarily at trial.

14 9. As noted in my prior declaration, MDL Dkt. 632-1, we disclosed Carson Oliver to
15 Plaintiffs and Apple the next day. Google served the trial subpoena through Apple's counsel on
16 September 19.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct.

19 Executed on this 11th day of October, 2023, at San Francisco, California.

s/ Dane P. Shikman
Dane P. Shikman